

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 4, 1954. H. F. Botsford & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered against both products and the court ordered that the yellow mustard seed be released under bond for salvage under the supervision of the Food and Drug Administration. On March 5, 1954, the court entered an order directing that the oriental mustard seed be destroyed. The yellow mustard seed was examined, with the result that 3,300 pounds of this seed were found unfit and were destroyed. The oriental mustard seed was destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

21348. Adulteration and misbranding of B-Livron tablets. U. S. v. 298 Bottles * * *. (F. D. C. No. 36123. Sample No. 52628-L.)

LIBEL FILED: November 16, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about May 30, 1952, from New York, N. Y.

PRODUCT: 298 100-tablet bottles of B-Livron tablets Irvington, N. J. Examination showed that the product contained 0.44 milligram of vitamin B₁ (thiamine) per tablet instead of 1 milligram as declared on the label.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statements, namely, "Each tablet contains: * * * Thiamin Chloride 1 mg. * * *" and "Four tablets supply the following ratio of the minimum adult daily requirements: 400% of Vitamin B₁," were false and misleading as applied to the article, which contained less than 1 milligram of vitamin B₁ per tablet and which supplied less than 400 percent of the minimum daily requirement for vitamin B₁ per each 4 tablets.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 14, 1954. Default decree of condemnation and destruction.

21349. Misbranding of Pacific kelp tablets. U. S. v. 2 Drums, etc. (F. D. C. No. 36383. Sample No. 83882-L.)

LIBEL FILED: February 20, 1954, District of Minnesota.

ALLEGED SHIPMENT: On or about September 21, 1953, from Kalamazoo, Mich.

PRODUCT: 2 100,000-tablet drums of Pacific kelp tablets at St. Paul, Minn., in possession of Bemis Products, together with a number of 500-tablet bottles of the tablets, which had been removed from the drums and repacked into bottles, and a number of loose bottle labels, a number of leaflets entitled "Bemis News," and a number of folders entitled "Live * * * Longer Better Happier Read how"

*See also No. 21313.

RESULTS OF INVESTIGATION: The leaflets and folders were printed for the consignee at St. Paul, Minn., and accompanied the tablets at the time of sale.

LABEL, IN PART: (Drum) "Each tablet contains Pacific Kelp 5 gr. * * * Caution: For Repackaging Use Only"; (bottle) "500 Tablets * * * Bemis Kelp (Pure Pacific Sea Kelp) These tablets are dehydrated, compressed, pure sea kelp, without binder or coating Essential Minerals * * * Elements: 18 Tablets Contain Calcium 61.0 Milligrams Iodine 5.83 Milligrams Phosphorus 19.0 Milligrams Iron 2.6 Milligrams Chlorine 760.0 Milligrams Potassium 648.0 Milligrams Sodium 211.0 Milligrams Sulphur 58.0 Milligrams Magnesium 44.0 Milligrams Also small amounts of all the trace elements. Directions For Use As A supplement To Regular Diet."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the above-mentioned leaflets and folders were false and misleading. The statements represented and suggested that the article was effective to supply all the mineral elements required in human nutrition; to insure proper nutrition; to promote longer, better, and happier life; to prevent defective teeth; to prevent cancer; and to prevent practically the entire gamut of diseases. The article was not effective for such purposes.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear as required by the regulations a statement of the proportions of the minimum daily requirements for calcium, phosphorus, iodine, and iron supplied by the article when consumed in a specified quantity during a period of one day.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: April 12, 1954. Default decree of destruction.

21350. Misbranding of Super-5 Food Tabs. U. S. v. 3 Cases, etc. (F. D. C. No. 30771. Sample No. 5339-L.)

LIBEL FILED: March 12, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 11, 1951, by Universal Nutritions, Inc., from Great Neck, Long Island, N. Y.

PRODUCT: Super-5 Food Tabs. 3 cases, each containing 24 100-tablet bottles, and 38 400-tablet bottles, at Wollaston, Mass.

LABEL, IN PART: (Bottle) "Tablets Super-5 * * * Brand of Food Tabs Each tab contains 11 grains of a mixture of the following dried and compressed: Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Super-5 * * * Food Tabs * * * Brewer's Yeast Powder, Pure Wheat Germ, Blackstrap Molasses, Skim Milk Powder, Fresh Yogurt This food is designed for those who wish to add the ingredients listed to their daily diet" were false and misleading. The statements represented and suggested that the article, when used as recommended, namely, "4 tabs or more with each meal," would supply nutritionally significant amounts of the declared ingredients, whereas the article, when used as recommended, would not supply nutritionally significant amounts of the declared ingredients.